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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,234	05/06/2005	Takashi Osa	HEI-007	3360

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KANESAKA BERNER AND PARTNERS LLP  
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EXAMINER
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KAYES, SEAN PHILLIP

ART UNIT	PAPER NUMBER
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2833

MAIL DATE	DELIVERY MODE
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12/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/534,234

Applicant(s)

OSA ET AL.

Examiner

Sean Kayes

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 5-8 rejected under 35 U.S.C. 102(b) as being anticipated by Yoshihiro (JP 11-125681.)

3. With respect to claim 1 Yoshihiro teaches an electronic watch comprising:

- a dial (22 figure 2 and 32 figure 3) having an upper surface,
- a solar cell (24 and 24 a figures 1-3) arranged in a ring shape and having a photovoltaic area disposed substantially vertically with respect to the dial,
- a light leading portion (22 figure 2 and 32 figure 3 and depicted light rays figures 2-3) provided integrally at a peripheral edge of the dial, said light leading portion being configured such that a thickness of the dial is reduced from a radially inner side to the peripheral edge thereof (22 figure 2 and 32 figure 3), and
- a light permeable dial trim ring (24a figures 1-3 and translated abstract provided by applicant) is arranged at the peripheral edge of the dial,
- wherein a part of the photovoltaic area of the solar cell (24 figures 2-3 and abstract) and a part of the dial trim ring (24a figures 2-3 and abstract) covering the photovoltaic area of the solar cell are arranged to be lower than the upper surface of the dial (22 figure 2 and 32 figure 3) so that light from the light leading

portion is irradiated to the part of the photovoltaic area of the solar located lower than the upper surface of the dial.

4. With respect to claim 2 Yoshihiro discloses the electronic watch with a solar cell (24 and 24a figures 1-3) according to claim 1, wherein a thickness of the inner side of the dial (22 figure 2 and 32 figure 3) is set larger than that of the peripheral edge.

5. With respect to claim 5 Yoshihiro discloses the electronic watch with a solar cell according to claim 1, wherein an inclined surface portion is provided to the dial trim ring (in the embodiment of figure 4 there are provided a plurality of dial trim rings 26a, each of these rings has an inclined surface portion), and an inclined surface of the light leading portion of the dial (32 figure 4) is covered with the inclined surface portion.

6. With respect to claim 6 Yoshihiro discloses the electronic watch with a solar cell according to claim 1, wherein a flange portion (10 figures 1-5 has a flange portion located underneath items 15 and 16 which holds the glass 16. Said flange is most pronounced in the embodiment of figure 5) which fixes a glass to a watch case of the electronic watch with the solar cell (24 figures 2-3) is provided outside the dial trim ring (24a figures 2-3), the solar cell and a watch movement or an annular convex portion of a casing frame which holds the solar cell; the dial trim ring (24a figures 2-3) is arranged directly below the glass; and a blind portion is provided above at least one of the dial trim ring of the glass and the solar cell (in embodiments of figures 1-4 the portion above

the trim ring 24a is shown to be blind in that there is not light rays depicted therefor.

More explicitly the portion 15 above said trim ring is blind. In the embodiment of figure 5 the blind portion is clearly defined by the flange of 10 located between elements 14 and 15.)

7. With respect to claim 7 Yoshihiro discloses the electronic watch with a solar cell according to claim 1, wherein said dial trim ring (24a figures 1-3) is located between the solar cell (24 figures 1-3) and the dial (22 figure 2 and 32 figure 3.)

8. With respect to claim 8 Yoshihiro discloses the electronic watch with a solar cell according to claim 7, wherein said dial (22 figure 2 and 32 figure 3) has a peripheral edge side (the flat portion underneath of items 24 and 10 figures 2-3) radially outside the light leading portion, and the dial trim ring (24a figures 2-3 has a portion thereof located below the peripheral edge side of the light leading portion of the dial 22 figure 2 and 32 figure 3) includes another light leading portion disposed on the peripheral edge side and a lower part located at a side of the peripheral edge side.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-2 and 5-8 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Flumm (US 4250575) teaches an inclined dial trim/light leading portion placed directly adjacent an inclined dial.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Paula can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK  
10/29/2007

  
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